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RESTRICT 2008039766

18 PGS

Zoning Case No. C14-06-0215A  
Zoning Case No. C14-06-0215C  
Zoning Case No. C14-06-0215D

**RESTRICTIVE COVENANT**

OWNER: RKS Texas Investments, L.P., a Texas limited partnership  
ADDRESS: 601 Sonterra Boulevard, San Antonio, Texas 78258  
CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.  
PROPERTY: Being 60.62 acres of land, more or less, comprised of an 8.365 acre tract, a 31.293 acre tract, and a 20.962 acre tract, all of the tracts of land being out of the Santiago del Valle Grant, in the City of Austin, Travis County, and being more particularly described by metes and bounds in Exhibits "A", "B", and "C" attached and incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property specified in that certain Traffic Impact Analysis (the "TIA") prepared by Robert J. Halls and Associates, dated April 27, 2007, or as amended and approved by the Director of the Watershed Protection and Development Review Department, or its successor department, of the City of Austin. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated November 29, 2007. The TIA shall be kept on file at the Watershed Protection and Development Review Department, or its successor department, of the City of Austin.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

1-31-08  
# 113-116

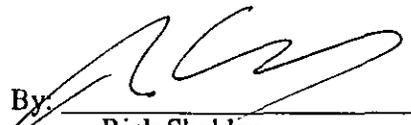
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 30<sup>th</sup> day of January, 2008.

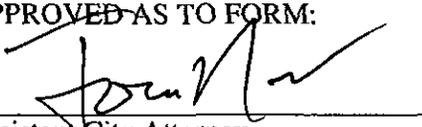
**OWNER:**

**RKS Texas Investments, L.P.,  
a Texas limited partnership**

By: RKS Texas GP, LLC,  
a Texas limited liability company,  
its General Partner

By:   
Rick Sheldon,  
President

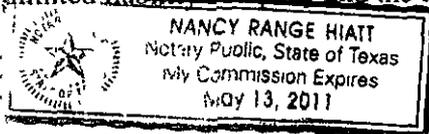
~~APPROVED AS TO FORM:~~

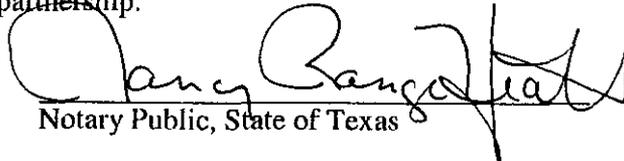
  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF Bexar §

This instrument was acknowledged before me on this the 30<sup>th</sup> day of January, 2008, by Rick Sheldon, President of RKS Texas GP, LLC, a Texas limited liability company, General Partner, of RKS Texas Investments, L.P., a Texas limited partnership, on behalf of the ~~limited liability company and the limited partnership.~~



  
Notary Public, State of Texas

**After Recording, Please Return to:**  
City of Austin  
Department of Law  
P. O. Box 1088  
Austin, Texas 78767-1088  
Attention: Diana Minter, Paralegal



**Professional Land Surveying, Inc.  
Surveying and Mapping**

C14-06-0215D

Office. 512-443-1724  
Fax. 512-441-6987

2807 Manchaca Road  
Building One  
Austin, Texas 78704

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**20.962 ACRES  
FC PROPERTIES ONE, LTD.**

A DESCRIPTION OF 20.962 ACRES IN THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 109.808 ACRE TRACT DESCRIBED AS TRACT VIII IN A SPECIAL WARRANTY DEED TO FC PROPERTIES ONE, LTD, EXECUTED MARCH 20, 1998, AND RECORDED MARCH 25, 1998 IN VOLUME 13147, PAGE 1506 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 20.962 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a TxDot monument found at the intersection of the south right-of-way line of William Cannon Drive (right-of-way width varies) and the west right-of-way line of McKinney Falls Parkway (right-of-way width varies), the east line of the 109.808 acre tract and also being the southeast corner of a 0 560 acre tract described in Volume 13313, Page 1231 of the Real Property Records of Travis County, Texas,

**THENCE** with the west right-of-way line of McKinney Falls Parkway and the east line of the 109 808 acre tract, the following three (3) courses

- 1 South 17°55'35" East, a distance of 37.53 feet to a 1/2" rebar found,
- 2 South 27°30'59" West, a distance of 884 87 feet to a 1/2" rebar found,
3. South 21°49'26" West, a distance of 129 19 feet to a 1/2" rebar found, from which a 1/2" rebar found for angle point bears South 21°49'26" West, a distance of 71.83 feet,

**THENCE** over and across the 109 808 acre tract, the following eleven (11) courses:

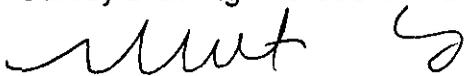
1. North 62°11'42" West, a distance of 129.00 feet to a 1/2" rebar with cap set;
- 2 North 27°48'18" East, a distance of 3.63 feet to a 1/2" rebar with cap set,
- 3 North 62°11'42" West, a distance of 729 25 feet to a 1/2" rebar with a cap set;
- 4 North 62°43'43" West, a distance of 89.05 feet to a 1/2" rebar with cap set;
5. North 70°05'16" West, a distance of 110.00 feet to a 1/2" rebar with cap set,
6. North 70°05'29" West, a distance of 32 19 feet to a 1/2" rebar with cap set;

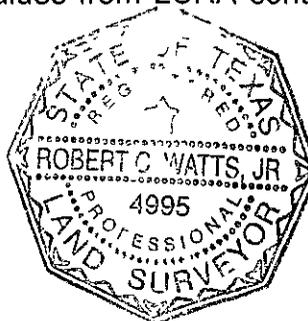
- 7 North 20°29'58" East, a distance of 20 83 feet to a 1/2" rebar with cap set for a point of curvature,
- 8 Along a curve to the right having a radius of 450 00 feet, a delta angle of 42°20'35", an arc length of 332 56 feet and chord which bears North 41°40'07" East, a distance of 325 05 feet to a 1/2" rebar with cap set,
- 9 North 62°50'25" East, a distance of 280 43 feet to a 1/2" rebar with cap set for a point of curvature,
- 10 Along a curve to the left having a radius of 450 00 feet, a delta angle of 50°21'25", an arc length of 395 50 feet and chord which bears North 37°39'43" East, a distance of 382 89 feet to a 1/2" rebar with cap set,
- 11 North 12°29'01" East, a distance of 47 87 feet to a 1/2" rebar with cap set in the south right-of-way line of William Cannon Drive and the south line of said 0 560 acre tract, from which a TxDot monument found bears along a curve to the left having a radius of 1363 06 feet, a delta angle of 01°29'37", an arc length of 35 54 feet and chord which bears North 78°16'27" West, a distance of 35 53 feet,

**THENCE** with the south right-of-way line of William Canon Drive, the south line of the 0 560 acre tract and continuing over and across the 109 808 acre tract, the following four (4) courses

- 1 Along a curve to the right having a radius of 1363 06 feet, a delta angle of 15°01'16", an arc length of 357 35 feet and chord which bears South 70°01'00" East, a distance of 356 33 feet to a TxDot monument found,
- 2 South 62°30'20" East, a distance of 107 19 feet to a 1/2" rebar found,
- 3 North 27°17'01" East, a distance of 16 45 feet to a TxDot monument found,
- 4 South 62°29'01" East, a distance of 294 17 feet to the **POINT OF BEGINNING**, containing 20 962 acres of land, more or less

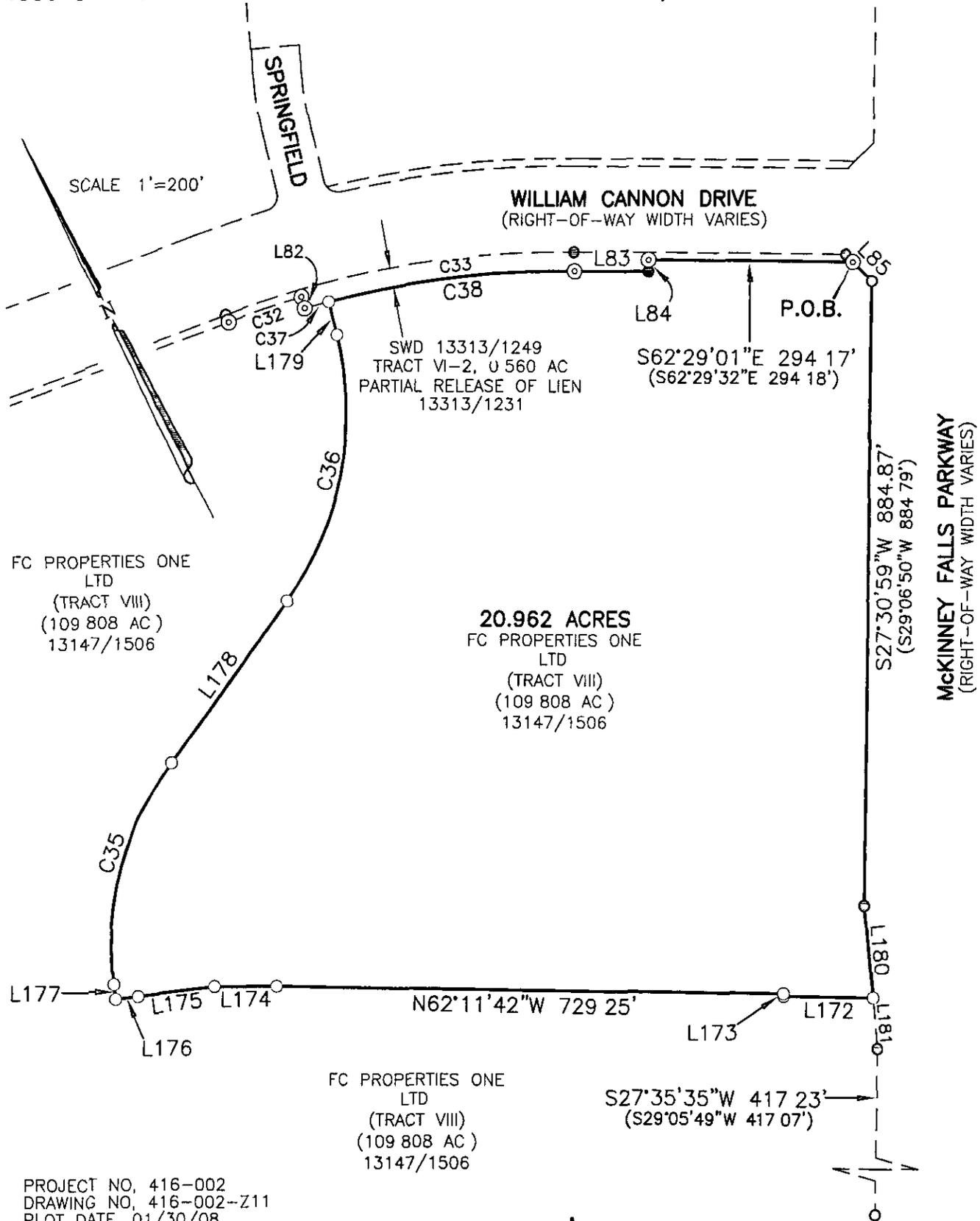
Based upon a survey made on the ground, April, 2004 Bearing Basis Grid azimuth for Texas Central Zone, 1983/93 HARN Values from LCRA control network Attachments Survey Drawing 416-002-Z11 dwg

  
Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No 4995



1-30-08

SKETCH TO ACCOMPANY A DESCRIPTION OF 20.962 ACRES IN THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 109.808 ACRE TRACT DESCRIBED AS TRACT VIII IN A SPECIAL WARRANTY DEED TO FC PROPERTIES ONE, LTD., EXECUTED MARCH 20, 1998, AND RECORDED MARCH 25, 1998 IN VOLUME 13147, PAGE 1506 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

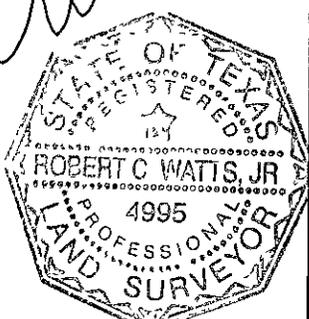


PROJECT NO, 416-002  
 DRAWING NO, 416-002-Z11  
 PLOT DATE 01/30/08  
 DRAWN BY COD  
 PAGE 1 OF 2

*Chaparral*

LINE TABLE			
No	BEARING	LENGTH	(RECORD BEARING)
L82	S10°38'48"W	16 66'	(S10°59'45"W 16 40')
L83	S62°30'20"E	107 19'	(S62°29'35"E 107 08')
L84	N27°17'01"E	16 45'	(N27°30'25"E 16 40')
L85	S17°55'35"E	37 53'	(S17°30'45"E 52 37')
L172	N62°11'42"W	129 00'	—
L173	N27°48'18"E	3 63'	—
L174	N62°43'43"W	89 05'	—
L175	N70°05'16"W	110 00'	—
L176	N70°05'29"W	32 19'	—
L177	N20°29'58"E	20 83'	—
L178	N62°50'25"E	280 43'	—
L179	N12°29'01"E	47 87'	—
L180	S21°49'26"W	129 19'	—
L181	S21°49'26"W	71 83'	—

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*1-30-08*

CURVE TABLE							
NO	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	(RECORD CHORD)
C32	4°33'46"	1379 47'	54 96'	109 86'	109 83'	S81°29'22"E	(S81°17'10"E 109 87')
C33	16°30'54"	1363 06'	197 82'	392 89'	391 53'	S70°45'49"E	(S70°44'55"E 391 44')
C35	42°20'35"	450 00'	174 29'	332 56'	325 05'	N41°40'07"E	—
C36	50°21'25"	450 00'	211 55'	395 50'	382 89'	N37°39'43"E	—
C37	1°29'37"	1363 06'	17 77'	35 54'	35 53'	N78°16'27"W	—
C38	15°01'16"	1363 06'	179 71'	357 35'	356 33'	N70°01'00"W	—

LEGEND	
●	1/2" REBAR FOUND
○	1/2" REBAR WITH CAP SET
⊙	TxDOT MONUMENT FOUND

PROJECT NO, 416-002  
 DRAWING NO, 416-002-Z11  
 PLOT DATE 01/30/08  
 DRAWN BY COD  
 PAGE 2 OF 2

BEARING BASIS GRID AZIMUTH FOR TEXAS  
 CENTRAL ZONE, 1983/93 HARN VALUES FROM  
 LCRA CONTROL NETWORK

ATTACHMENTS METES AND BOUNDS  
 DESCRIPTION 416-002-Z11

*Chaparral*

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2008 Mar 13 01 58 PM 2008039766

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DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS